

## TRANSPOSITION NOTE

### IMPLEMENTATION OF PUBLIC EXPOSURES ASPECTS OF THE BASIC SAFETY STANDARDS DIRECTIVE 2013/59/EURATOM (BSSD)

#### Part 2A of the Environmental Protection Act 1990 as modified by the Radioactive Contaminated Land (Modification of Enactments) (England) Regulations 2006

The Department for Business, Energy and Industrial Strategy (BEIS) has overall responsibility for coordinating UK transposition of the BSSD. A number of government departments, and the devolved administrations, are making regulations to transpose various aspects of the BSSD and each will complete a Transposition Note relating to the regulations they are making.

BEIS is implementing the **justification of practices** and **public exposures** aspects of the BSSD through four sets of regulations:

- the Justification of Practices Involving Ionising Radiation (Amendment) Regulations 2018, which amend the Justification of Practices Involving Ionising Radiation Regulations 2004 (S.I. 2004/1769) which set out a UK-wide framework for the making of justification decisions;
- the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2018, which amend the Environmental Permitting (England and Wales) Regulations 2016 (S.I. 2016/1154) which set out the environmental permitting regime for radioactive substances activities;
- the Radioactive Contaminated Land (Enabling Powers and Modification of Enactments) (Amendment) (England) Regulations 2018, which amend the Radioactive Contaminated Land (Enabling Powers) (England) Regulations 2005 (S.I. 2005/3467) and the Radioactive Contaminated Land (Modification of Enactments) (England) Regulations 2006 (S.I. 2006/1379) (“the 2006 Regulations”); and
- the Ionising Radiation (Basic Safety Standards) (Miscellaneous Provisions) Regulations 2018<sup>1</sup>, which makes UK-wide provision for matters not covered by existing statutory regimes.

The table below sets out how **Part 2A of the Environmental Protection Act 1990** (“EPA 1990”), as applied with modifications by the relevant provisions of the **2006 Regulations**, transpose the BSSD.

References to regulations are references to the **2006 Regulations** as amended<sup>2</sup>.

References to the RCL Statutory Guidance are to the revised RCL Statutory Guidance which will be laid in draft before Parliament in April 2018, following the coming into force of the

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<sup>1</sup> This instrument will be made on a separate date.

<sup>2</sup> The 2006 Regulations have been amended by S.I. 2007/3245, 2008/520, 2010/2147, 2016/1154 and 2018/429. S.I. 2016/562 also makes amendments which are not yet in force.

amendments to the 2005 Regulations. It is proposed that the RCL Statutory Guidance will then be issued in Summer 2018 (see s78YA of the EPA 1990).

<b>Article</b>	<b>Objective</b>	<b>Implementation</b>
2.1	<b>Scope</b> Sets out the scope of the Directive which applies to existing exposure situations which require consideration with respect to radiological protection and the environment with respect to long term health protection.	Section 78A(2) and (4) of the EPA 1990, as applied with modifications by regulation 5.
4	<b>Definitions</b> Sets out relevant legislative definitions.	Section 78A of the EPA 1990 as applied with modifications by regulation 5.
5 (a) and 5(b)	<b>General principles of radiation protection</b> Principles of radiation protection that should be followed to ensure that decisions to introduce a practice are justified by societal benefit which outweighs harm, and exposure to members of the public is optimised.	Section 78E (4A) and (4B) of the EPA 1990 as applied with modifications by regulation 8(3).
73.1(a)	<b>Contaminated areas</b> Article 73.1(a) – requirement to set objectives	Part 2A of the EPA 1990 as applied with modifications by the 2006 Regulations and the RCL Statutory Guidance.
73.1(b)-(e)	Article 73.1(b)-(e) sets out considerations which the protection strategy for managing contaminated areas must include.	Section 78A (7A) of the EPA 1990, as applied with modifications by regulation 5. Section 78N of the EPA 1990 applied with modifications by regulation 14.
76.1	<b>Competent authority</b> Member States shall designate a competent authority to carry out tasks.	Section 78A(9) of the EPA 1990 – definition of “enforcing authority”.
100.1	<b>Programmes on existing exposure situations</b> Measures which should be in place to identify and evaluate existing exposure situations to determine corresponding public exposure.	Section 78B of the EPA 1990, as applied with modifications by regulation 6. (Existing exposure situation (a) in Annex XVII BSSD – contaminated land.)
100.2	Member States may decide, having regard to the general principle of justification, that an existing exposure situation warrants no consideration of protective or remedial measures.	Section 78E(4A) and (4B) of the EPA 1990 (as applied with modifications by regulation 8(3)). (Existing exposure situation (a) in Annex XVII BSSD – contaminated land.)
101.1 and 101.2	<b>Establishment of strategies</b> Requirement to establish strategies to ensure appropriate management of	Obligations met by Part 2A of the EPA 1990 as applied with modifications by the 2006 Regulations and the RCL Statutory

	existing exposure situations, which must state the objectives and take into account appropriate reference levels.	Guidance. (Existing exposure situation (a) in Annex XVII BSSD – contaminated land.)
102.1	<b>Implementation of strategies</b> Requirement to assign responsibility for implementation of strategies and sets out duties to enable the implementation of strategies that have been established for managing existing exposure situations.	Section 78B (as applied with modifications by regulation 6), section 78E (as applied with modifications by regulation 8(3)) and section 78N (as applied with modifications by regulation 14) of the EPA 1990 and the RCL Statutory Guidance.
102.2	Requirement that protective measures are optimised	Section 78E of the EPA 1990 as applied with modifications by regulation 8.
102.3	Distribution of doses to be assessed and optimised.	Section 78E of the EPA 1990 as applied with modifications by regulation 8.
102.4(a)	Duties of implementation include review of remedial and protective measures.	Section 78A(7)(c) of the EPA 1990 as applied with modifications by regulation 5 and the RCL Statutory Guidance.
104.1	<b>Inspections</b> Member States shall establish a system or systems of inspection to enforce the provisions adopted pursuant to this Directive and to initiate surveillance and corrective action where necessary.	Section 78A(7) of the EPA 1990 as applied with modifications by regulation 5.